

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 8453
OFFERED BY MRS. WAGNER OF MISSOURI**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Upholding the Dayton
3 Peace Agreement Through Sanctions Act”.

4 SEC. 2. STATEMENT OF POLICY.

5 It is the policy of the United States—

6 (1) to support Bosnia and Herzegovina’s sov-
7 ereignty, territorial integrity, and multi-ethnic char-
8 acter;

9 (2) to back and bolster Bosnia and
10 Herzegovina’s progress towards Euro-Atlantic inte-
11 gration;

12 (3) to encourage officials in Bosnia and
13 Herzegovina to resume institutional participation at
14 all levels of government to advance functionality and
15 common-sense reforms for greater prosperity and for
16 Bosnia and Herzegovina to obtain European Union
17 candidate status;

1 (4) to push Bosnia and Herzegovina to imple-
2 ment the rulings of the European Court of Human
3 Rights;

4 (5) to advocate for robust participation in the
5 October 2, 2022, general elections in Bosnia and
6 Herzegovina;

7 (6) to utilize targeted sanctions against persons
8 who undermine the Dayton Peace Agreement and
9 democratic institutions, including by blocking, boy-
10 cotting or not recognizing the results of elections, in
11 Bosnia and Herzegovina to support peace and sta-
12 bility in that country;

13 (7) to urge the European Union to join the
14 United States and United Kingdom in sanctioning
15 Milorad Dodik, a member of the Presidency of Bos-
16 nia and Herzegovina, for his actions that undermine
17 the stability and territorial integrity of Bosnia and
18 Herzegovina;

19 (8) to expose and condemn the Government of
20 Russia for its role in fueling instability in Bosnia
21 and Herzegovina and undermining the Dayton Peace
22 Agreement, the role of the Office of the High Rep-
23 resentative, and the European Union Force in BiH's
24 Operation Althea;

1 (9) to work with other regional States, includ-
2 ing Serbia and Croatia, to support the territorial in-
3 tegrity and stability of Bosnia and Herzegovina; and

4 (10) to use its voice and vote at the United Na-
5 tions, the Peace Implementation Council and its
6 Steering Board, and other relevant international
7 bodies to support the Office of the High Representa-
8 tive.

9 **SEC. 3. IMPOSITION OF SANCTIONS WITH RESPECT TO FOR-**
10 **EIGN PERSONS UNDERMINING THE DAYTON**
11 **PEACE AGREEMENT OR THREATENING THE**
12 **SECURITY OF BOSNIA AND HERZEGOVINA.**

13 (a) IMPOSITION OF SANCTIONS.—

14 (1) LIST REQUIRED.—Not later than 30 days
15 after the date of the enactment of this Act, and an-
16 nually thereafter, the President shall submit to the
17 appropriate congressional committees a list of for-
18 eign persons that are determined—

19 (A) to be responsible for or complicit in, or
20 to have directly or indirectly engaged in, any
21 action or policy that threatens the peace, secu-
22 rity, stability, or territorial integrity of Bosnia
23 and Herzegovina, including actions that seek to
24 undermine the authority of Bosnia and
25 Herzegovina's state-level institutions, such as

1 forming illegal parallel institutions or actions
2 that threaten the Office of the High Represent-
3 ative;

4 (B) to be responsible for or complicit in, or
5 to have directly or indirectly engaged in, any
6 action or policy that undermines democratic
7 processes or institutions in Bosnia and
8 Herzegovina;

9 (C) to be responsible for or complicit in, or
10 to have directly or indirectly engaged in, or to
11 have attempted, a violation of, or an act that
12 has obstructed or threatened the implementa-
13 tion of, the Dayton Peace Agreement or the
14 Conclusions of the Peace Implementation Con-
15 ference Council held in London in December
16 1995, including the decisions or conclusions of
17 the Office of the High Representative, the
18 Peace Implementation Council, or its Steering
19 Board;

20 (D) to be a member, official, or senior
21 leader of an illegal parallel institution or any
22 other institution that engages in activities de-
23 scribed in subparagraph (A), (B) or (C), as de-
24 termined by the Secretary of State;

1 (E) to be responsible for or complicit in, or
2 to have directly or indirectly engaged in, or at-
3 tempted to engage in, corruption related to
4 Bosnia and Herzegovina, including corruption
5 by, on behalf of, or otherwise related to the gov-
6 ernment in Bosnia and Herzegovina, or a cur-
7 rent or former government official at any level
8 of government in Bosnia and Herzegovina, such
9 as the misappropriation of public assets, expro-
10 priation of private assets for personal gain or
11 political purposes, corruption related to govern-
12 ment contracts or the extraction of natural re-
13 sources or bribery;

14 (F) to be an adult family member of any
15 foreign person described in subparagraph (A),
16 (B), (C), (D), or (E) unless they have con-
17 demned the sanctionable activity and taken tan-
18 gible steps to oppose the activity;

19 (G) to have knowingly facilitated a signifi-
20 cant transaction or transactions for or on be-
21 half of a foreign person described in subpara-
22 graph (A), (B), (C), (D), or (E);

23 (H) to be owned or controlled by, or to
24 have acted or purported to act for or on behalf
25 of, directly or indirectly, a foreign person de-

1 scribed in subparagraph (A), (B), (C), (D), or
2 (E); or

3 (I) to have knowingly materially assisted,
4 sponsored, or provided financial, material, or
5 technological support for, or goods or services
6 to or in support of, a foreign person described
7 in subparagraph (A), (B), (C), (D), or (E).

8 (2) IMPOSITION OF SANCTIONS.—Upon the sub-
9 mission of each list required by paragraph (1), the
10 President shall impose the sanctions described in
11 subsection (c) with respect to each foreign person
12 identified on the list.

13 (b) ADDITIONAL MEASURE RELATING TO FACILITA-
14 TION OF TRANSACTIONS.—The Secretary of the Treasury
15 may, in consultation with the Secretary of State, prohibit
16 or impose strict conditions on the opening or maintaining
17 in the United States of a correspondent account or pay-
18 able-through account by a foreign financial institution
19 that the President determines has, on or after the date
20 of the enactment of this Act, knowingly conducted or fa-
21 cilitated a significant transaction or transactions on behalf
22 of a foreign person on the list required by subsection
23 (a)(1).

24 (c) SANCTIONS DESCRIBED.—The sanctions de-
25 scribed in this subsection are the following:

1 (1) PROPERTY BLOCKING.—Notwithstanding
2 the requirements of section 202 of the International
3 Emergency Economic Powers Act (50 U.S.C. 1701),
4 the President may exercise of all powers granted to
5 the President by that Act to the extent necessary to
6 block and prohibit all transactions in all property
7 and interests in property of the foreign person if
8 such property and interests in property are in the
9 United States, come within the United States, or are
10 or come within the possession or control of a United
11 States person.

12 (2) ALIENS INADMISSIBLE FOR VISAS, ADMIS-
13 SION, OR PAROLE.—

14 (A) IN GENERAL.—An alien on the list re-
15 quired by subsection (a)(1) is—

16 (i) inadmissible to the United States;

17 (ii) ineligible for a visa or travel to the
18 United States; and

19 (iii) otherwise ineligible to be admitted
20 or paroled into the United States or to re-
21 ceive any other benefit under the Immigra-
22 tion and Nationality Act (8 U.S.C. 1101 et
23 seq.).

24 (B) CURRENT VISAS REVOKED.—

1 (i) IN GENERAL.—The visa or other
2 documentation issued to an alien on the
3 list required by subsection (a)(1) shall be
4 revoked, regardless of when such visa or
5 other documentation is or was issued.

6 (ii) EFFECT OF REVOCATION.—A visa
7 or other entry documentation revoked
8 under clause (i) shall, in accordance with
9 section 221(i) of the Immigration and Na-
10 tionality Act (8 U.S.C. 1201(i)), no longer
11 be valid for travel to the United States.

12 (d) EXCEPTIONS.—

13 (1) EXCEPTION FOR INTELLIGENCE, LAW EN-
14 FORCEMENT, AND NATIONAL SECURITY ACTIVI-
15 TIES.—Sanctions under this section shall not apply
16 to any authorized intelligence, law enforcement, or
17 national security activities of the United States.

18 (2) EXCEPTION TO COMPLY WITH UNITED NA-
19 TIONS HEADQUARTERS AGREEMENT.—Sanctions
20 under subsection (c)(2) shall not apply with respect
21 to the admission of an alien to the United States if
22 the admission of the alien is necessary to permit the
23 United States to comply with the Agreement regard-
24 ing the Headquarters of the United Nations, signed
25 at Lake Success June 26, 1947, and entered into

1 force November 21, 1947, between the United Na-
2 tions and the United States, the Convention on Con-
3 sular Relations, done at Vienna April 24, 1963, and
4 entered into force March 19, 1967, or other applica-
5 ble international obligations.

6 (3) EXCEPTION RELATING TO THE PROVISION
7 OF HUMANITARIAN ASSISTANCE.—Sanctions under
8 this section may not be imposed with respect to
9 transactions or the facilitation of transactions for—

10 (A) the sale of agricultural commodities,
11 food, medicine, or medical devices;

12 (B) the provision of humanitarian assist-
13 ance;

14 (C) financial transactions relating to hu-
15 manitarian assistance or for humanitarian pur-
16 poses; and

17 (D) transporting goods or services that are
18 necessary to carry out operations relating to
19 humanitarian assistance or humanitarian pur-
20 poses.

21 (e) WAIVER.—

22 (1) IN GENERAL.—The President may, on a
23 case-by-case basis and for periods not to exceed 180
24 days each, waive the application of sanctions or re-
25 strictions imposed with respect to a foreign person

1 under this section if the President certifies to the
2 appropriate congressional committees not later than
3 15 days before such waiver is to take effect that the
4 waiver is vital to the national interest of the United
5 States.

6 (2) SUNSET.—The authority to issue a waiver
7 under paragraph (1) shall terminate on the date
8 that is 5 years after the date of enactment of this
9 Act.

10 (f) REGULATIONS.—

11 (1) IN GENERAL.—The President shall, not
12 later than 180 days after the date of the enactment
13 of this Act, prescribe regulations as necessary for
14 the implementation of this Act.

15 (2) NOTIFICATION TO CONGRESS.—Not later
16 than 10 days before the prescription of regulations
17 under paragraph (1), the President shall notify the
18 appropriate congressional committees regarding the
19 proposed regulations and the provisions of this Act
20 that the regulations are implementing.

21 (g) IMPLEMENTATION.—The President may exercise
22 all authorities provided under sections 203 and 205 of the
23 International Emergency Economic Powers Act (50
24 U.S.C. 1702 and 1704) to carry out this Act.

1 (h) PENALTIES.—The penalties provided for in sub-
2 sections (b) and (c) of section 206 of the International
3 Emergency Economic Powers Act (50 U.S.C. 1705) shall
4 apply to a person that violates, attempts to violate, con-
5 spires to violate, or causes a violation of regulations pre-
6 scribed to carry out this Act to the same extent that such
7 penalties apply to a person that commits an unlawful act
8 described in subsection (a) of such section 206.

9 (i) TERMINATION OF SANCTIONS.—The President
10 may terminate the application of sanctions under this sec-
11 tion with respect to a foreign person if the President deter-
12 mines and reports to the appropriate congressional com-
13 mittees not later than 15 days before the termination of
14 the sanctions that—

15 (1) credible information exists that the foreign
16 person did not engage in the activity for which sanc-
17 tions were imposed;

18 (2) the foreign person has been prosecuted ap-
19 propriately for the activity for which sanctions were
20 imposed; or

21 (3) the foreign person has credibly dem-
22 onstrated a significant change in behavior, has paid
23 an appropriate consequence for the activity for
24 which sanctions were imposed, and has credibly com-

1 mitted to not engage in an activity described in sub-
2 section (a)(1) in the future.

3 **SEC. 4. CONSIDERATION OF CERTAIN INFORMATION IN IM-**
4 **POSING SANCTIONS.**

5 Not later than 60 days after receiving a request from
6 the chairman and ranking member of one of the appro-
7 priate congressional committees with respect to whether
8 a person, foreign person, or foreign financial institution,
9 as the case may be, meets the criteria of a person de-
10 scribed in this Act, Executive Order 14033 (86 Fed. Reg.
11 31079; relating to blocking property and suspending entry
12 into the United States of certain persons contributing to
13 the destabilizing situation in the Western Balkans), or any
14 Executive order issued pursuant to this Act or under the
15 Balkans regulatory regime, the President shall—

16 (1) determine if the person, foreign person, or
17 foreign financial institution, as the case may be,
18 meets such criteria; and

19 (2) submit a classified or unclassified report to
20 such chairman and ranking member with respect to
21 such determination that includes a statement of
22 whether or not the President imposed or intends to
23 impose sanctions with respect to such person, for-
24 eign person, or foreign financial institution.

1 **SEC. 5. DEFINITIONS.**

2 In this Act:

3 (1) ADMITTED; ALIEN.—The terms “admitted”
4 and “alien” have the meanings given those terms in
5 section 101 of the Immigration and Nationality Act
6 (8 U.S.C. 1101).

7 (2) APPROPRIATE CONGRESSIONAL COMMIT-
8 TEES.—The term “appropriate congressional com-
9 mittees” means—

10 (A) the Committee on Foreign Affairs and
11 the Committee on Financial Services of the
12 House of Representatives; and

13 (B) the Committee on Foreign Relations
14 and the Committee on Banking, Housing, and
15 Urban Affairs of the Senate.

16 (3) CORRESPONDENT ACCOUNT; PAYABLE-
17 THROUGH ACCOUNT.—The terms “correspondent ac-
18 count” and “payable-through account” have the
19 meanings given those terms in section 5318A of title
20 31, United States Code.

21 (4) DAYTON PEACE AGREEMENT.—The term
22 “Dayton Peace Agreement”, also known as the
23 “Dayton Accords”, means the General Framework
24 Agreement for Peace in Bosnia and Herzegovina,
25 initialed by the parties in Dayton, Ohio, on Novem-

1 ber 21, 1995, and signed in Paris on December 14,
2 1995.

3 (5) FOREIGN FINANCIAL INSTITUTION.—The
4 term “foreign financial institution” has the meaning
5 of that term as determined by the Secretary of the
6 Treasury by regulation.

7 (6) FOREIGN PERSON.—The term “foreign per-
8 son” means a person that is not a United States
9 person.

10 (7) ILLEGAL PARALLEL INSTITUTION.—The
11 term “illegal parallel institution” means an agency,
12 structure, or instrumentality at the Republika
13 Srpska entity level that disrupts the authority of the
14 state-level institutions of Bosnia and Herzegovina
15 and undermines its constitutional order.

16 (8) KNOWINGLY.—The term “knowingly”, with
17 respect to conduct, a circumstance, or a result,
18 means that a person has actual knowledge, or should
19 have known, of the conduct, the circumstance, or the
20 result.

21 (9) PERSON.—The term “person” means an in-
22 dividual or entity.

23 (10) UNITED STATES PERSON.—The term
24 “United States person” means—

1 (A) a United States citizen or an alien law-
2 fully admitted to the United States for perma-
3 nent residence;

4 (B) an entity organized under the laws of
5 the United States or any jurisdiction within the
6 United States, including a foreign branch of
7 such an entity; or

8 (C) any person in the United States.

